

Plaintiff's claims against the Jail and the Sheriff's department are legally frivolous because they are not suable entities. *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81,

82 (8th Cir. 1992) (departments or subdivisions of local government are “not juridical entities suable as such.”).

Where a “complaint is silent about the capacity in which [plaintiff] is suing defendant, [a district court must] interpret the complaint as including only official-capacity claims.” Egerdahl v. Hibbing Community College, 72 F.3d 615, 619 (8th Cir. 1995); Nix v. Norman, 879 F.2d 429, 431 (8th Cir. 1989). Naming a government official in his or her official capacity is the equivalent of naming the government entity that employs the official. Will v. Michigan Dep’t of State Police, 491 U.S. 58, 71 (1989). To state a claim against a municipality or a government official in his or her official capacity, plaintiff must allege that a policy or custom of the government entity is responsible for the alleged constitutional violation. Monell v. Dep’t of Social Services, 436 U.S. 658, 690-91 (1978). The instant complaint does not contain any allegations that a policy or custom of a government entity was responsible for the alleged violations of plaintiff’s constitutional rights. As a result, the complaint fails to state a claim upon which relief can be granted.

Accordingly,

\ **IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice.

An Order of dismissal will be filed separately.

Dated this 27th day of April, 2015.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE